

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

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MICHAEL FITZGERALD,

Movant/Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

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NO. 8:07-CR-00279-RWP-FG3

**INITIAL REVIEW ORDER**

The Court has before it for initial review a pro se motion by Michael Fitzgerald to vacate, set aside, or correct his sentence, filed pursuant to 28 U.S.C. § 2255. If it plainly and conclusively appears from the face of a section 2255 motion and the files and records of the case that the moving defendant is not entitled to any relief, the Court shall summarily dismiss the motion. See 28 U.S.C. § 2255; Rule 4(b) of the Rules Governing Section 2255 Proceedings in the United States District Courts.

It does not plainly appear that movant is not entitled to relief. **IT IS THEREFORE ORDERED** that the Government shall respond to the motion on or before **March 30, 2012**. In that response, the Government should address its position on the timeliness of this petition. See, Coppage v. Redman, No. 11-1643, 2011 WL 2623551 (8th Cir. July 5, 2011) (per curiam) (unpublished).

Dated this \_\_\_\_1st\_\_\_\_ day of February, 2012.

  
ROBERT W. PRATT, Judge  
U.S. DISTRICT COURT